

STANDARDS  
(CHILD WELFARE RULE NO. 5)  
FOR THE LICENSING OF CHILD-CARING INSTITUTIONS

STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC WELFARE  
CENTENNIAL BUILDING  
ST. PAUL 1, MINNESOTA

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DEPARTMENT OF PUBLIC WELFARE

Child Welfare Rule No. 5

STANDARDS FOR CHILD-CARING INSTITUTIONS

I. Definition

- A. This rule governs the operation of institutions engaged in or seeking to engage in the care of children, and sets forth the requirements necessary for such institutions to be licensed. "Institution" is defined for licensing purposes as a facility for foster care of children, having an administrative organization and structure approved under state law, for providing shelter, food, training and treatment, and other aspects of group foster care for children on a 24-hour basis.
- B. This rule does not apply to institutions exempt from license as provided by law; and foster care facilities subject to license as foster boarding homes.

II. Procedures for Licensing

- A. Persons desiring a license or a renewal of license shall apply to the Commissioner of Public Welfare who shall determine the competence of such persons to be licensed for the purpose of giving care to children. In making this determination the Commissioner shall be guided by the rules in this and subsequent Sections. All licenses shall expire one year from date of issuance unless sooner revoked.
- B. In addition to the application, a new group planning to enter into child care shall submit such materials as the Commissioner may require to make a proper determination of competence of the group to be licensed.
- C. An institution desiring to renew its license shall submit an application for relicensing within a period of 45 days before the license is due to expire. In applying for such renewal the institution shall file with its application such information as the Commissioner may require to make a proper determination.

III. Organization and Administration

- A. The purposes or function of the institution shall be clearly defined. Such definition shall include the geographical area to be served, ages and types of children to be accepted for care, and the specific extent, limitation and scope of services for which licensing authority is being sought.

- B. The institution shall meet a need in the geographical area it serves or plans to serve.
- C. The institution shall be incorporated in accordance with the laws of the State of Minnesota.
- D. The institution shall have a sound plan of financing which gives assurance of sufficient funds to enable it to carry out its defined purposes and provide proper care for children. A new institution shall have sufficient funds assured to carry it through the first year of operation.
- E. The institution shall have a governing board which is broadly representative of the community it serves.
- F. All financial accounts shall be audited by a certified public accountant from outside the institution staff or board at least once a year and the report made a part of institution records subject to review by the Commissioner of Public Welfare.

#### IV. Staff

- A. All employees shall be persons of good character, good health and emotional stability, and of sufficient ability and education to carry out adequately the duties assigned to them.
- B. There shall be a ratio of at least one child care staff member to every ten (10) to twelve (12) children. In institutions caring for more than ten (10) children the superintendent, the houseparent's supervisor, teachers, and vocational directors shall not be included in computing this ratio.
- C. Every staff member shall have a physical examination before he begins work, and annually thereafter. Initial examination shall include a Mantoux test, and a chest X-ray where the Mantoux is positive.

##### 1. Executives:

The executive shall be a person of sound judgment and integrity. He shall have had training and experience in working with children that will equip him for his duties and make him temperamentally adapted to work with children, committees and other community groups.

##### 2. Clerical Staff:

Each institution shall have adequate clerical services to keep correspondence, records, bookkeeping and files current and in good order.

3. Child Care Staff:

The moral and emotional fitness of child care staff members should be unquestionable, and their training and experience shall be sufficient to equip them for their duties. They shall be at least twenty-one (21) years of age. They shall be mentally and physically fit. They shall have at least a high school education or its equivalent.

4. Other Staff:

Domestic and maintenance staff shall be employed to carry on the everyday housekeeping and maintenance functions in sufficient number so that those employed to give direct care to children are not prevented from giving supervision to the children because of other duties.

5. Personnel Policies:

Salary ranges for each type of position shall be established in writing and shall be adequate to attract and hold efficient personnel, equivalent to prevailing rates of pay in similar positions in the community and commensurate with the duties and responsibilities of the position. Comfortable living quarters shall be provided for all staff required to live within the institution. Resident staff with direct responsibility for children shall have at least one full day off each week. Staff shall have at least two weeks annual leave with full pay.

6. Case Work Services:

An institution providing case work services through its own social services department must also meet requirements relating to licensing of social services agencies.

7. Adjunctive Clinical Services:

The services of a psychologist, psychiatrist, and physician must be made available for the children requiring these services.

V. Social Services

A. Admissions:

1. No child shall be admitted, retained, or discharged from a children's institution except under the direction of a casework agency authorized by the Commissioner of Public Welfare to carry this responsibility as part of its casework services.

Since casework staff cannot properly carry this responsibility without full participation of group care staff, each institution must clearly define in writing its proposed plan for making these joint decisions, and its plan for resolving differences of opinion should they arise and for fixing final responsibility.

2. Intake policies of the institution shall be clearly defined. They shall be carefully reviewed from time to time and changed as needs and conditions in the community change or as the staff and program of the institution change to meet these changing needs.
3. Admissions shall be in keeping with the stated policies of the institution and shall be limited to those children for whom the institution is qualified by staff, equipment, and needs of children already in residence to give the care deemed necessary.
4. Casework decisions shall be based upon a complete social study of the total situation of the child and his needs as well as the total situation at the institution at a given time in order that the ultimate welfare of the individual child shall be the major consideration.
5. Such social study shall be made before a child is admitted, except where emergency care must be given, and then the study shall be made immediately thereafter.
6. The social study shall include all that information which will enable a careful analysis of each case to make sure that each child admitted is in need of the type of care and service the institution can provide,

B. Diagnosis and Treatment While in the Institutions

1. The institution, through its casework service, shall have responsibility for keeping the child in contact with his family and relatives and for assuring that services are provided to the family in behalf of the child when in the judgment of the caseworker, it is appropriate and possible.
2. The caseworker shall assist the child and family in understanding his problems, and shall help the child and family in attempting to solve them.
3. The caseworker shall work closely with the group care staff and with staff of other agencies giving service so that all persons working with the child and his family may understand the effect of past and present behavior and environment on the child's actions and feelings.

4. In gaining an understanding of the child and his relationships to his family and others, the services of specialists in the field of medicine, psychiatry and psychology shall be used as need for such services as indicated.

C. Discharge:

1. Careful study shall be made and recorded on a continuing basis in order to determine whether a child should be returned to his own home, placed in a foster home, or transferred to an institution better suited to his needs.
2. The length of time a child spends in an institution shall be as brief as possible in accordance with his specific needs.
3. The child's case record must fully justify the reasons for retaining him in institutional care.

D. Records and Reports:

Every institution shall maintain a confidential case record for each child, containing;

1. Application for service.
2. A social study of the family or investigation of application, including an explanation of custody and legal responsibility for the child.
3. A verification of birth.
4. Medical consent signed by parents or legal guardian.
5. Reports on medical examinations, including immunizations, dental examinations, psychological and psychiatric examinations where given.
6. Current record of the child's development, casework with him and with his family, and plan for discharge.
7. A statistical report on each child receiving service as required by the Commissioner of Public Welfare on forms furnished by the Department for that purpose.

VI. Child Care and Development Program

A. Medical Care:

1. Except in the case of emergencies, no child shall be accepted in an institution without a physical examination and a statement signed by a licensed medical doctor declaring the child free of communicable disease and specifying any physical defects the child may have. In an emergency admission,

examination shall follow within seventy-two hours.

2. Either prior to admission or as soon thereafter as practical the child shall be immunized against smallpox, diphtheria, and such other diseases a physician may recommend.
3. Definite arrangements shall be made with at least one licensed medical doctor for the medical care of the children. This shall include arrangements for necessary visits to the institution as well as office visits.
4. Every child shall have a complete physical examination at least annually. A child having a physical defect shall not be allowed to participate in activities injurious to his health. Efforts shall be made by the institution to have physical defects of the children corrected through proper medical care.
5. The staff shall have a clear understanding as to what medical care, including first aid, may be given by them without specific orders from a licensed medical doctor. They shall be instructed as to how to obtain further medical care and how to handle emergency cases.
6. Arrangements shall be made with a hospital for the admission of children from the institution in the event of serious illness or an emergency.
7. Each member of the child-caring staff shall be able to recognize the common symptoms of illnesses of children and to note any marked physical defects of children. A sterile clinical thermometer shall be kept available. Child-caring staff shall be able to provide practical nursing care.
8. Each child shall have a separate medical record which shall include the statement of the medical doctor who examined him at the time of admission to the institution; a record of his immunizations; consent of parents or guardians for medical care; a record of his annual measuring and weighing; a statement from his medical doctor who gave him his annual physical examination; a record of the medical care given at the institution. The latter shall include a record of his hospitalization, significant illnesses or accidents, and attempts at correcting physical defects.

#### B. Dental Cares

1. The institution shall have a definite plan for one or more licensed dentists for the dental care of the children.
2. Each child shall receive a dental examination at least once a year.

3. Included in the child's medical record shall be a dental record, showing dates of examinations and by whom given.

C. General Health;

1. Each child shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest. While children are asleep, at least one staff member shall be near enough to hear calls.
2. Children shall be encouraged and helped to keep themselves clean. They shall receive specific training in personal hygiene.
3. Bathing and toilet facilities shall be properly maintained and kept clean.
4. Each child shall have his own clearly identified toothbrush, comb, towel, and washcloth and his own separate place for keeping these personal articles. At least twice a week, towels and facecloths shall be changed.
5. Menus shall provide for varied, balanced and adequate diet for all children in the institution.
6. Each child shall be provided with clothing for his own exclusive use which is comfortable, appropriate for current weather conditions, and of such type as not to make him conspicuous in the community.
7. Electric lighting in combination with natural lighting shall be of sufficient quantity and diffusion as to prevent injury to eyesight.
8. The institution shall provide equipment for indoor and outdoor play, and shall make provision for active daily play and exercise.

D. Education and Training;

1. All children shall attend school until the age of 17 years unless they are excluded for reasons of health or mental deficiency by a properly designated school authority. A school operated within the institution shall meet the standards of the State Department of Education. A special plan for education of a child shall be worked out when he is unable to attend the neighborhood school.
2. Children shall be provided an opportunity to receive instruction in their religion. No child shall be required to attend religious services or to receive religious instruction in a faith different from that indicated by his parent or guardian.

3. Discipline shall be maintained by an attitude of the staff which shall be diagnostic and remedial, rather than punitive. Corporal punishment shall not be administered.
4. Children shall not be required to be solely responsible for any major phase of institutional operation or maintenance, such as cooking, laundering, housekeeping, farming, and repairing. Children shall not be considered as substitutes for employed staff.
5. No child shall be used in any way for the purpose of soliciting funds. Neither shall he be identified in connection with publicity for the institution in any way which would cause him or his family embarrassment. He shall not be forced to acknowledge his dependency on the institution or his gratitude to it.

## VII. Plant, Grounds, and Equipment

### A. Grounds;

There shall be sufficient ground space for recreation.

### B. Buildings:

1. Plans for a new building, parts of buildings, or alterations, when such plans affect services to children, shall comply with local building codes, and shall be submitted for approval to the Department of Public Welfare before contracts are let or work is started.
2. The area of a sleeping room shall not be less than an average of 500 cu. ft. per child. Each child shall have his own bed provided with substantial springs, mattress and bed covering. Individual beds shall be at least three feet apart. There shall be an aisle of not less than four feet between rows of beds. Children shall not sleep in institution basements or attics.
3. Dining rooms shall be cheerful and attractive.
4. The living rooms shall be large enough to provide comfortable and cheerful living quarters for the children.
5. There shall be sufficient space provided for indoor quiet play and active group play.
6. Heating facilities shall be provided that will keep the temperature in living quarters of the institution within the range of 70-74 degrees Fahrenheit during the day and 55-65 degrees Fahrenheit during the night.

7. Natural light where possible shall be available in every room used by children and staff. Window areas shall not be less than  $\frac{1}{6}$  of the floor area of each room. In combination with natural light, electric lighting shall be installed of sufficient quantity and diffusion as to prevent injury to eyesight.
8. Natural ventilation shall be available in every room in the institution which is used by the children and staff. Cross ventilation shall be provided in sleeping rooms. Rooms which are abnormally damp shall not be used by children or as living quarters for staff.
9. Staff quarters shall be separate from those of children, although near enough to assure proper supervision of children.

#### C. Fires

1. Care shall be exercised by the staff to prevent children from using matches, from playing around unprotected and unsupervised fires, from smoking without supervision or from handling inflammable or combustible materials. Children shall be instructed on fire prevention.
2. Serious consideration shall be given to see that the buildings are so constructed, equipped, and located as not to be fire hazards. If of frame construction, they shall be over 70 feet apart at the nearest points.
3. All electrical and heating equipment shall be approved by Underwriters Laboratory or other nationally recognized testing laboratories. All electrical equipment and installations shall comply with the State Board of Electricity and the National Electric Code.
4. Inflammable material, such as gasoline, kerosene, fuel oil, etc., shall be stored as provided by regulations of Local and State fire authorities.
5. The staff and children residing in an institution shall be trained in properly reporting a fire, in extinguishing a small fire, and in evacuation from the building in case of fire. Fire drills shall be held periodically. Fire extinguishers shall be provided and maintained throughout each building in accordance with standards of the State Fire Marshal. The institution shall comply with all regulations of the State Fire Marshal which relate to operation of such buildings.

6. All buildings of institutions licensed for the first time shall be of non-combustible construction and shall be at least one hour fire-resistant for all one-story buildings and at least two hour fire-resistant for all buildings more than one story.
7. Existing, non-fire-resistant buildings of more than one story, and with a licensed capacity to house 30 or more children, shall be protected with a complete automatic sprinkler system installed to comply with the requirements of the State Fire Marshal and the standards of the Minnesota Fire Underwriters Inspection Bureau. This requirement shall be complied with within 18 months of the effective date of these regulations.

D. Sanitation:

1. Kitchens and kitchen equipment shall meet standards prescribed for eating establishments by the Local or State Department of Health.
2. There shall be an adequate available supply of hot and cold water to serve the institution. Toilet facilities shall be maintained in a sanitary condition equal to standards prescribed by the local or State Department of Health. There shall be separate toilet and bath facilities for boys and girls and separate facilities for employees. There shall not be less than one lavatory with hot and cold water for every six children, one toilet for every eight children and one tub or shower for every 10 children. In addition, there shall be a minimum of one tub or shower in each building in which children live.
3. Sewerage shall be disposed of through municipal systems where such are available. If such is not available, the independent sewerage system shall comply with the existing local and State ordinances.
4. The milk supply shall meet local and State ordinances and codes.
5. Drinking water shall be supplied from an approved public supply if available; if not available, the private system shall comply with county and State ordinances and codes.
6. Proper facilities for sanitation shall be provided through the institution buildings and premises for the purpose of insuring cleanliness and protection against disease.

VIII. Refusal of License

Failure or inability to comply with the above standards shall be cause for refusal or revocation of license.

Dated at St. Paul, Minnesota, this 27th day of December, 1956.

MORRIS HURSH  
Commissioner of Public Welfare

Notice of Public Hearing - August 17, 1956

Public Hearing - September 20, 1956

Approved as to form and legality

this 27th day of December, 1956.

Miles Lord, Attorney General  
BY: James N. Bradford  
Special Assistant Attorney General

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Joseph L. Donovan  
Secretary of State